

01-0-0478

**AN ORDINANCE BY
COUNCILMEMBER C.T.MARTIN
AS SUBSTITUTED BY PUBLIC SAFETY AND
LEGAL ADMINISTRATION COMMITTEE**

**TO AMEND SECTION 30 OF THE CODE OF ORDINANCES OF
THE CITY OF ATLANTA, GEORGIA, SO AS TO DELETE
ARTICLE XXV, TITLED "CAR WASH ESTABLISHMENTS" IN
ITS ENTIRETY AND REPLACE SAID ARTICLE WITH A NEW
ARTICLE PROVIDING FOR THE REGULATION OF CAR WASH
ESTABLISHMENTS; AND FOR OTHER PURPOSES.**

WHEREAS, the City of Atlanta endeavors to promote and protect the public health, safety and general welfare of its citizens; and

WHEREAS, the City of Atlanta promotes these important interests through the maintenance of law and order within its corporate limits; and

WHEREAS, the City determined that there is an important need to create regulations governing the operation of car wash establishments operating within the City of Atlanta; and

WHEREAS, on or about August 13, 2000, the City of Atlanta adopted Ordinance No. 99-0-1558 which provides for the regulation of car wash establishments within the City; and

WHEREAS, every effort was made to include representatives from the car wash industry in discussions regarding adoption of Ordinance No. 99-0-1558; and

WHEREAS, the City of Atlanta has heard from representatives of the car wash industry regarding concerns with the new ordinance; and

WHEREAS, the City has concluded as a result of discussions with the car wash industry that it is appropriate and necessary to make amendments to its new ordinance.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF ATLANTA, GEORGIA, HEREBY ORDAINS as follows:

Section 1.

That Article XXV, Chapter 30, Section 30-1500, et seq. of the City of Atlanta Code of Ordinances (titled "Car Washes") be deleted in its entirety and the following be substituted in lieu thereof:



Sec. 30-1500 Definitions

The following words, terms and phrases, when used in this Article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Active participation means control or supervision over the employees and the premises licensed under this Article.

Agent means any person, real or artificial, designated by the owner in the application for a license to operate a car wash to receive correspondence from the Mayor's office and/or department of police. The owner may also be the agent.

Attendant means a person on duty at the car wash premises employed by or at the instance of the owner or agent of the car wash establishment.

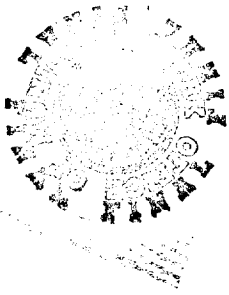
Car wash establishment means any commercial enterprise operated for profit and open to the public for the purpose of cleaning, washing, waxing, vacuuming, polishing, detailing, or a combination thereof.

Car wash premises means the property on which the car wash establishment is located, including parking areas and all areas on the licensed property that may be lawfully used by the owner, employees, agents, and patrons of the car wash establishment.

Full-service car wash means a car wash establishment operated for profit and open to the public for the purpose of cleaning, washing, waxing, vacuuming, polishing, detailing, or a combination thereof with the assistance of one or more attendants/cashiers in active participation during all hours of operation and which provides other services incidental to the car wash business, including but not limited to, car maintenance, car repair and/or other retail services.

Hand and/or detail car wash means a car wash establishment where vehicles are washed by hand, by persons permanently employed by the carwash or by persons allowed to remain on the premises to perform this service, operated for profit and open to the public for the purpose of cleaning, washing, waxing, vacuuming, polishing, detailing, or a combination. Said washes do not include mobile car washes and/or car washes done for charitable and/or fund-raising purposes on a temporary basis.

In-bay automatic car wash means a car wash establishment operated for profit and open to the public for the purpose of cleaning, washing, waxing, vacuuming, polishing, detailing, or a combination thereof



that utilizes mechanical equipment to wash, rinse, and sometime dry a stationary occupied vehicle.

Owner means any and all person(s) who have any ownership interest in the car wash establishment.

Self-service car wash means a car wash establishment operating for profit and open to the public for the purpose of cleaning, washing, waxing, vacuuming, polishing, detailing, or a combination thereof without the assistance of a full-time on-site attendant.

Sec. 30-1501. Intent

It is the intent of *the* Council in enacting this Article to:

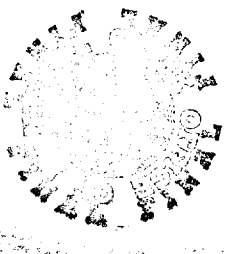
- (1) Serve and protect the health, safety and welfare of the general public.
- (2) Establish a uniform set of rules and regulations governing self-service car washes.
- (3) Assure that businesses licensed by the city do not promote or allow illicit or illegal activity to take place on the premises.

Sec. 30-1502. Required.

It shall be unlawful for any agent or owner to operate a self-service car wash establishment without having first obtained a license issued by the City of Atlanta as provided by this section. The license issued under this Article shall be cumulative and not in lieu of any other license or license required by law. Full service automatic car wash establishments, in-bay automatic car washes, and hand or detail carwash establishments with attendants on duty during all hours when the business is open are expressly exempted from the license requirements in this Article.

Sec. 30-1503. Application for license.

- (a) Any person seeking to operate a self-service car wash shall obtain a license by filing a written application with the Atlanta Police Department, License and Permits Unit. A separate application is required for each self-service car wash location, even if owned by the same person. Moreover, a new application for license must be filed in the event there is a change of ownership or location of a currently licensed car wash establishment.
- (b) Any person operating a self-service car wash on the effective date of this ordinance shall apply for a license as prescribed above by September 1, 2001.
- (c) A non-refundable application fee of \$50.00 for the processing of each



license application is required to accompany each application for a car wash establishment license.

- (d) A complete application for a car wash license shall include the following:
 - (1) Owner and agent's name and current address.
 - (2) Owner and agent's social security number.
 - (3) Owner and agent's previous address for the last five (5) years.
 - (4) Location of car wash establishment.
 - (5) Days and hours of operation of car wash establishment.
 - (6) If the owner and/or agent is a corporation, written verification from the Secretary of State that the corporation is in good standing.
 - (7) Written verification such as a lease, deed, rental agreement etc., demonstrating that the applicant has legal access to the proposed premises.
- (e) When the investigation has been completed, this application will be considered at a regular meeting of the license review board which may recommend that the mayor grant or deny the license. The mayor shall grant or reject the license.
- (f) Any change of the agent designated in the license application must be reported to the Atlanta Police Department, License and Permits Unit within thirty (30) calendar days of the change. Failure to report a change may result in a fine not to exceed \$1000 and/or suspension, revocation, or non-renewal of the license.

Sec. 30-1504. False information contained in application.

Any material omission, untrue or misleading information contained in or left out of an original, renewal or transfer application for a license under this Article shall be cause for the denial thereof, and if any license has previously been granted under these circumstances, such shall constitute "due cause" for the imposition of a fine and/or suspension, revocation or non-renewal of the license. This subsection is independent of any other penalty provisions in this Article.

Sec. 30-1505. Grounds for denial, suspension, revocation or imposition of a fine.

- (a) No application for a new license, a renewal license or for transfer of location or transfer of ownership shall be denied, and no license that has been issued or that may hereafter be issued hereunder shall be revoked, suspended, or be subjected to a fine except upon a finding of "due cause" as defined in this subsection, and after a hearing before the

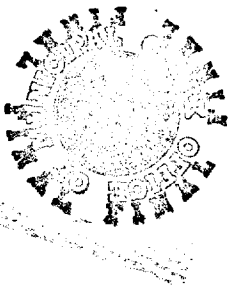


license review board. In the event of a decision to deny, revoke, or suspend a license and/or impose a fine under this Article, written notice shall be mailed to the agent and the owner, stating the place, date, time and purpose of such hearing. The notice shall set forth with specificity the reasons for the proposed adverse action for which the hearing shall be held.

(b) As used in this section, the term "due cause," for the denial of applications for a new license or renewal of an existing license, for denial of a transfer of location or transfer of ownership or for revocation, suspension, or imposition of a fine includes, but is not limited to the following:

- (1) The conviction of the owner or agent of any felony reasonably related (as explained throughout this Article (and particularly in this section and in Section 30-1509 of this Code) to the ability of the owner to operate and maintain the car wash premises in a proper manner.
- (2) The violation of any law, ordinance or regulation or operational rules set forth governing the operation of a car wash establishment.
- (3) Allowing the commission by, or solicitation of, patrons on the car wash premises for any unlawful act (such as prostitution, gambling, or drug-related crimes) where the operator or the operator's employee or agent knew or should have known of such conduct. Evidence of arrests on the premises for any of the unlawful acts above shall not be considered, for purposes of this section, as evidence of "allowing the commission" of these acts where the owner has participated or cooperated in the arrest and/or prosecution of these individuals by providing evidence or testimony as requested by the police or the prosecuting authority.
- (4) The failure to maintain any and all of the general qualifications applicable to the initial issuance of a license under this Article.
- (5) Failure by the Operator or Agent to adequately supervise and monitor the conduct of the employees, patrons and others on the car wash premises in order to protect the safety and well-being of the general public and of those utilizing the premises. Evidence of arrests on the premises shall not be considered, for purposes of this section, as evidence of failure by the operator to "adequately supervise and monitor" the conduct of patrons and others on the car wash premises where the owner has participated or cooperated in the arrest and/or prosecution of individuals by providing evidence or testimony as requested by the police or the prosecuting authority.

(c) The license review board, after any hearing pursuant to this Article, shall report its conclusions and recommendations to the Mayor or the Mayor's designee. The Mayor or the Mayor's designee, upon receiving the report, may deny applications for new or renewal licenses or for



transfer of location or transfer of ownership and may impose a fine and/or revoke or suspend any license for due cause. In lieu of or in addition to, the Mayor or the Mayor's designee may impose a fine upon any owner or agent in an amount not to exceed \$1000 for each violation occurring on the licensed premises. Should the Mayor or the Mayor's designee decide to impose a fine and/or deny, revoke, suspend or not renew a license, the applicant shall be notified in writing within ten (10) calendar days of this decision and be provided with the specific reasons for said decision.

- (d) The decision of the Mayor or the Mayor's designee may be appealed by the filing of a petition for writ of certiorari in the Fulton County Superior Court within thirty (30) calendar days of the decision.

Sec. 30-1506. Term and renewal of license.

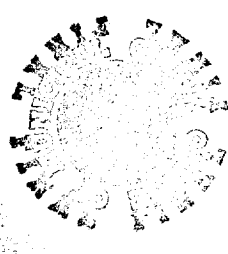
- (a) Except as otherwise provided herein, all licenses issued under this Article shall be valid for one (1) calendar year after the date of issue.
- (b) Owners or operators of carwashes, except those expressly exempted, shall renew their licenses not later than January 1 of each year with the department of police.
- (c) Any car wash establishment that ceases operation for more than six (6) months, or for which no city business license is maintained for more than six (6) months, shall not subsequently be operated as a car wash, except by making a new application for and receiving a license as required by this Article.

Sec. 30-1507. License fees.

- (a) License fees are due immediately upon approval of the license. A license shall not be issued prior to payment of said fees. License fees for car wash establishments shall be \$100.00 per year, per location.
- (b) The fees for renewal or transfer of a license shall be the same as the initial license fee specified above.

Sec. 30-1508. Duties of car wash establishments.

- (a) Comply with all laws and regulations applicable to the operation of a car wash establishment;
- (b) Refrain from operating a self-service car wash after the expiration of a car wash license and during any period when it has been suspended or revoked;

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- (c) Surrender car wash license promptly to the Atlanta Police Department, License and Permits Unit, upon its expiration, revocation or suspension.

Sec. 30-1509. Car wash establishment regulations.

- (a) The following shall apply at all times to all car wash establishments, except those expressly exempted:
- (1) The establishment shall maintain reasonable lighting on the premises during the hours it is open for business. Illumination shall be provided at a minimum of 6 lux/0.6 foot candles on the entire premises during the hours the establishment is open for business. Where available, public street lighting may be utilized to either partially or totally fulfill the lighting requirements. Otherwise, it shall be the responsibility of the car wash establishment to independently provide the requisite levels of illumination.
 - (2) At all times during the operation of the car wash, the agent for the car wash, or his or her designee, must be on site or available by telephone.
 - (3) A notice shall be conspicuously displayed on the premises and shall set forth:
 - (a) the telephone number for the agent of the car wash establishment;
 - (b) the days and hours of operation for the establishment; and
 - (c) a statement that loitering as defined in O.C.G.A. Section 16-11-36) or being on the premises for any purpose other than washing, waxing, vacuuming, polishing, detailing, or a combination thereof or for any purpose for which the operator/agent has given express permission is prohibited under state law and a warning that such activity is considered trespassing for which law enforcement agencies are authorized to enter onto the car wash premises and take appropriate action.
 - (4) No public telephones located on car wash premises shall be capable of receiving incoming calls;
 - (5) The owner, his or her agent, or a designee of either shall maintain an active participation in the operation of the car wash premises and shall be on the premises at least once a day.

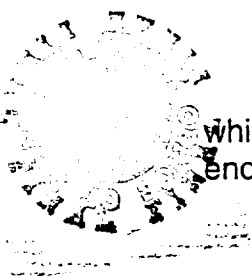
Sec. 30-1510 – 30-1520. Reserved.

Section 3. Repeal of inconsistent ordinances.

All ordinances or parts of ordinances in conflict herewith are hereby repealed.

Section 4. Severability

If any provision, clause, sentence or paragraph of this Code, or the application thereof to any person or circumstances, shall be held invalid, such invalidity shall not affect the other provisions or application of the provisions of this Article



which can be given effect without the invalid provisions or application and, to this end, the invalid provisions are hereby declared to be severable.

A true copy,

Rhonda Dauphin Johnson
Municipal Clerk, CMC

ADOPTED as amended by the Council
APPROVED by the Mayor

JUN 04, 2001
JUN 08, 2001

RCS# 2924
6/04/01
4:34 PM

Atlanta City Council

Regular Session

01-O-0478

Delete "Car Wash Establishments" &
replace with new article re regulation
ADOPT/SUB/AMEND

YEAS: 9
NAYS: 1
ABSTENTIONS: 0
NOT VOTING: 3
EXCUSED: 0
ABSENT 3

Y McCarty	B Dorsey	N Moore	Y Thomas
Y Starnes	Y Woolard	Y Martin	Y Emmons
NV Bond	B Morris	Y Maddox	NV Alexander
Y Winslow	Y Muller	B Boazman	NV Pitts

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PUBLIC SAFETY AND LEGAL ADMINISTRATION
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ESTABLISHMENTS IN THE CITY OF ATLANTA; AND
FOR OTHER PURPOSES.

ADOPTED BY
JUN 04 2001

COUNCIL

Substitute As Amended

- ☒ CONSENT REFER
☐ REGULAR REPORT REFER
☐ ADVERTISE & REFER
☐ 1st ADOPT 2nd READ & REFER
☐ PERSONAL PAPER REFER

Date Referred 3/19/01

Referred To: Public Safety + Legal Admin

Date Referred

Referred To:

Date Referred

Referred To:

First Reading

Committee

Date

Chair C. T. McArthur

Referred to

P.S. & L.A.

Date

3/29/01

Chair

C. T. McArthur

Action:

Fav, Adv, Hold (see rev. side)

Other:

Members

4/12/01

5/15/01

Refer To

Committee

Date

3/29/01

Chair

C. T. McArthur

Action:

Fav, Adv, Hold (see rev. side)

Other:

On Substitute Article 13.1 provided.

Members

C. T. McArthur

C. T. McArthur

Refer To

FINAL COUNCIL ACTION

☒ 2nd ☐ 1st & 2nd ☐ 3rd

Readings

☐ Consent ☐ V Vote ☒ RC Vote

CERTIFIED

CERTIFIED
JUN 4 2001

ATLANTA CITY COUNCIL PRESIDENT

Rhonda Daughlin Johnson

CERTIFIED
JUN 04 2001

Municipal Clerk

Rhonda Daughlin Johnson
Helen Spivey

MAYOR'S ACTION

APPROVED
JUN 08 2001

MAYOR